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Opinion

See also
Aug 9 3 opinion -
attached

August 7, 1956

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CONCORD, N.H.

Mr. John G. Morton, Commissioner
Department of Public Works and Highways
State House Annex
Concord, New Hampshire

Dear Mr. Morton:

Upon a further consideration of my letter of August 3, 1956, concerning the Hatch Act, so-called, I feel it appropriate to amplify upon the matters set forth in the final paragraph of said letter so that you may understand just how a violation of the Act may cause a loss to the State with respect to federal funds.

Title 5 U.S.C.A. s. 118k (b) provides that upon a complaint to the U. S. Civil Service Commission which seems to that agency to warrant an investigation, a time and place for hearing is set, of which the employee under consideration and the state agency employing him are notified. Following the hearing the Commission determines whether there has been a violation of the Hatch Act, and if so, "whether such violation . . . warrants the removal of the . . . employee by whom it was committed from his . . . employment."

Upon the making of an affirmative decision in this regard the Commission notifies the subject employee and also the employing state agency thereof; and the employee must be removed from his employment within thirty days after such notice. If a state agency fail to cause such removal within the time limit, the U. S. Civil Service Commission directs the responsible federal agency "to withhold from its loans or grants to the State or local agency to which such notification was given an amount equal to two years' compensation at the rate such . . . employee was receiving at the time of such violation . . ."

Very truly yours,

Warren E. Waters
Deputy Attorney General

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